

Policies and Laws Pertinent to Reviews

The following are various DHHS policy, State and Federal Laws that are pertinent to look for when conducting reviews.

Federal Law PL 96-272 (Family preservation act) requires that a case plan be developed within 60 days of a child entering foster care. While the penalties for non-compliance are currently being held in abeyance, it is unknown how long this will continue. If penalties are again enforced, Nebraska could lose Federal dollars for not having a case plan documented within 60 days. It would be appropriate for the Board to comment whether a plan has been established within 60 days as required by law during initial and early reviews.

DHHS policy requires that a caseworker have in-person contact with the child every thirty days. Please look for this at reviews.

The Foster Care Review Act, Neb revised statute 43-1312, requires that every child have a physical within 2 weeks of entering foster care. Physicians have expressed frustration over not having seen a child for several months after they entered care, then being expected to testify to old abuse. Please watch carefully for initial exam dates. DHHS policy requires yearly exams thereafter. Please watch for this also and make comments under #2 for services. We have added a question on the caseworker and foster parent questionnaire regarding the last physical date.

LB 1184 required that County Attorneys review a case for termination after a child has been out-of-home care for more than 18 consecutive months. **LB 1041**, the Adoption and Safe Families Act, further amended practice to require County Attorneys to consider termination proceedings for children who have been in care for 15 months or more. Consider sending a separate letter to the County Attorney bringing the case to his/her attention if this applies, since it can be difficult for professionals to successfully monitor the time elapsed in these complex cases.

In RE: CA 235 Neb 893,900 (1990), The Department of Social Services does not have the authority to determine or place restrictions on visitations. Under the Nebr. Juvenile code this is a matter for Judicial determination.

Adjudication shall occur no more than 90 days after the petition is filed, (Ne. Statutes 43-278)

Dispositional reviews shall occur at least once every six months. (Neb. Rev. Statutes 43-1313)

DHHS policy requires that a case plan shall be developed for the child and family every 6 months or more frequently as circumstances warrant.